

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 252**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Seniors, Families and Pensions, May 15, 2013, with recommendation that the Senate Committee Substitute do pass.

1028S.07C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 211.444, 453.005, 453.065, and 453.080, RSMo, and to enact in lieu thereof seven new sections relating to adoption.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 211.444, 453.005, 453.065, and 453.080, RSMo, are  
2 repealed and seven new sections enacted in lieu thereof, to be known as sections  
3 193.132, 211.444, 453.005, 453.065, 453.080, 453.510, and 453.515, to read as  
4 follows:

**193.132. 1. As used in this section, the following terms mean:**

- 2 **(1) "Adoptee", the person who is the subject of a birth certificate;**  
3 **(2) "Birth parent", the person who is the biological parent of an**  
4 **adoptee and who is named as the parent on the original birth**  
5 **certificate of the adoptee or shows proof of paternity;**  
6 **(3) "Contact preference form", the form developed by the state**  
7 **registrar under subsection 4 of this section;**  
8 **(4) "Medical history form", the form developed by the state**  
9 **registrar under subsection 3 of this section. At a minimum, such form**  
10 **shall include medical history information regarding:**  
11 **(a) Congenital or genetic history;**  
12 **(b) Psychosocial history;**  
13 **(c) Chronic diseases;**  
14 **(d) Infectious diseases;**  
15 **(e) Allergies;**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16           **(f) Pregnancy and birth history; and**  
17           **(g) Deaths of birth family members that may affect the medical**  
18 **history.**

19           **2. Notwithstanding any other provision of law, the state registrar**  
20 **shall develop and provide each birth parent with a contact preference**  
21 **form and a medical history form as described in this section.**

22           **3. A birth parent may use a medical history form to describe his**  
23 **or her medical history.**

24           **4. The birth parent may state a preference regarding contact by**  
25 **an adoptee on a contact preference form. The form shall contain the**  
26 **following statements from which the birth parent may choose only one:**

27           **(1) "I would like to be contacted. I have completed this contact**  
28 **preference form and a medical history form and am filing both forms**  
29 **with the State Registrar.";**

30           **(2) "I would prefer to be contacted only through an intermediary.**  
31 **I have completed this contact preference form and a medical history**  
32 **form and am filing both with the State Registrar."; or**

33           **(3) "Do not contact me. I may change this preference by filling**  
34 **out another contact preference form. I have completed this contact**  
35 **preference form and a medical history form and am filing both with the**  
36 **State Registrar."**

37           **5. Upon receipt of a completed contact preference form and a**  
38 **medical history form, the state registrar shall attach the completed**  
39 **forms to the original birth certificate of the adoptee. A completed**  
40 **contact preference form and medical history form shall have the same**  
41 **level of confidentiality as the original birth certificate.**

42           **6. The state registrar shall develop by rule the forms required by**  
43 **this section and may adopt other rules for the administration of this**  
44 **section. Any rule or portion of a rule, as that term is defined in section**  
45 **536.010, that is created under the authority delegated in this section**  
46 **shall become effective only if it complies with and is subject to all of**  
47 **the provisions of chapter 536, and, if applicable, section 536.028. This**  
48 **section and chapter 536, are nonseverable and if any of the powers**  
49 **vested with the general assembly pursuant to chapter 536, to review, to**  
50 **delay the effective date, or to disapprove and annul a rule are**  
51 **subsequently held unconstitutional, then the grant of rulemaking**  
52 **authority and any rule proposed or adopted after August 28, 2013, shall**

53 **be invalid and void.**

54 **7. Nothing in this section shall be construed as violating the**  
55 **provisions of section 453.121.**

211.444. 1. The juvenile court may, upon petition of the juvenile officer  
2 or a child-placing agency licensed under sections 210.481 to 210.536 in  
3 conjunction with a placement with such agency under subsection 6 of section  
4 453.010, **the children's division**, or the court before which a petition for  
5 adoption has been filed pursuant to the provisions of chapter 453, terminate the  
6 rights of a parent **or approve the consent to adoption or waiver of consent**  
7 **to adoption by a parent, as defined in section 211.442, or of a named**  
8 **father to a child, including a child who is a ward of the court**, if the court  
9 finds that such termination **or consent to adoption or waiver of consent to**  
10 **adoption** is in the best interests of the child and the parent, **as defined in**  
11 **section 211.442**, has consented in writing to the termination of his or her  
12 parental rights **or consented or waived consent to the adoption.**

13 2. The written consent required by subsection 1 of this section may be  
14 executed before or after the institution of the proceedings and shall be  
15 acknowledged before a notary public. In lieu of such acknowledgment, the  
16 signature of the person giving the written consent shall be witnessed by at least  
17 two adult persons who are present at the execution whose signatures and  
18 addresses shall be plainly written thereon and who determine and certify that the  
19 consent is knowingly and freely given. The two adult witnesses shall not be the  
20 prospective parents. The notary public or witnesses shall verify the identity of  
21 the party signing the consent.

22 3. The written consent required by subsection 1 of this section shall be  
23 valid and effective only after the child is at least forty-eight hours old and if it  
24 complies with the other requirements of section 453.030.

453.005. 1. The provisions of sections 453.005 to 453.400 shall be  
2 construed so as to promote the best interests and welfare of the child in  
3 recognition of the entitlement of the child to a permanent and stable home.

4 2. The **children's** division [of family services] and all persons involved  
5 in the adoptive placement of children as provided in subdivisions (1), (2) and (4)  
6 of section 453.014 shall provide for the diligent recruitment of potential adoptive  
7 homes that reflect the ethnic and racial diversity of children in the state for  
8 whom adoptive homes are needed.

9 3. **The race or ethnicity of the adoptive child, the child's**

10 **biological parents, or the prospective adoptive parents shall not be a**  
11 **consideration when determining the best interests of the child, the**  
12 **welfare of a child, the suitability and assessment of prospective**  
13 **adoptive parents, or the home of the prospective adoptive parents in**  
14 **adoptive placements except in instances where the consideration of**  
15 **race is narrowly tailored to advance the child's best interest based on**  
16 **an individualized determination as to the specific child. If race is a**  
17 **consideration based on such circumstances and the court finds that**  
18 **such placement is in the best interest of the child, then the court shall**  
19 **enter written findings of fact and conclusions of law explaining the**  
20 **court's ruling on the placement of the child. For any Native American**  
21 **child placed in protective custody, the division shall comply with the**  
22 **placement requirements set forth in 25 U.S.C. Section 1915.** Placement  
23 of a child in an adoptive home may not be delayed or denied on the basis of race,  
24 color or national origin.

453.065. As used in sections 453.065 to 453.074, the following words and  
2 terms shall have the meanings indicated:

3 (1) "Child", a person within the state who is under the age of eighteen or  
4 in the custody of the division of family services who is in need of medical, dental,  
5 educational, mental or other related health services and treatment, as defined in  
6 this section, or who belongs to a racial or ethnic minority, who is five years of age  
7 or older, or who is a member of a sibling group, and for whom an adoptive home  
8 is not readily available. If the physical, dental or mental condition of the child  
9 requires care after the age of eighteen, payment can be continued with the  
10 approval of the division of family services of the department of social services and  
11 subject to annual review;

12 (2) "Diminishing allotment", a monthly payment which periodically  
13 diminishes over a period of not longer than four years at which time it ceases;

14 (3) "Long term subsidy", a continuous monthly payment toward the child's  
15 care for a period of more than four years;

16 (4) **"Post adoption contract agreement", a written agreement**  
17 **approved by the court under subsection 4 of section 453.080;**

18 (5) "Special services", an allotment to a child who is in need of medical,  
19 dental, educational, mental health or other related health services and treatment,  
20 including treatment for physical handicap, intellectual impairment,  
21 developmental disability, mental or emotional disturbance, social maladjustment;

22            [(5)] **(6)** "Time limited subsidy", a monthly allotment which is continued  
23 for a limited time after legal adoption, not exceeding four years. This  
24 compensation is to aid the family in integrating the care of the new child in their  
25 home.

          453.080. 1. The court shall conduct a hearing to determine whether the  
2 adoption shall be finalized. During such hearing, the court shall ascertain  
3 whether:

4            (1) The person sought to be adopted, if a child, has been in the lawful and  
5 actual custody of the petitioner for a period of at least six months prior to entry  
6 of the adoption decree; except that the six-month period may be waived if the  
7 person sought to be adopted is a child who is under the prior and continuing  
8 jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt  
9 the child is the child's current foster parent. "Lawful and actual custody" shall  
10 include a transfer of custody pursuant to the laws of this state, another state, a  
11 territory of the United States, or another country;

12            (2) The court has received and reviewed:

13            **(a)** A postplacement assessment on the monthly contacts with the  
14 adoptive family pursuant to section 453.077, except for good cause shown in the  
15 case of a child adopted from a foreign country;

16            **(b) An investigation report under section 453.070, if any;**

17            **(c) An investigation and social study under section 211.455, if**  
18 **any;**

19            (3) The court has received and reviewed an updated financial affidavit;

20            (4) The court has received the recommendations of the guardian ad litem  
21 and has received and reviewed the recommendations of the person placing the  
22 child, the person making the assessment and the person making the  
23 postplacement assessment;

24            (5) There is compliance with the uniform child custody jurisdiction act,  
25 sections 452.440 to 452.550;

26            (6) There is compliance with the Indian Child Welfare Act, if applicable;

27            (7) There is compliance with the Interstate Compact on the Placement of  
28 Children pursuant to section 210.620; and

29            (8) It is fit and proper that such adoption should be made.

30            2. If a petition for adoption has been filed pursuant to section 453.010 and  
31 a transfer of custody has occurred pursuant to section 453.110, the court may  
32 authorize the filing for finalization in another state if the adoptive parents are

33 domiciled in that state.

34           3. If the court determines the adoption should be finalized, a decree shall  
35 be issued setting forth the facts and ordering that from the date of the decree the  
36 adoptee shall be for all legal intents and purposes the child of the petitioner or  
37 petitioners. The court may decree that the name of the person sought to be  
38 adopted be changed, according to the prayer of the petition.

39           4. Before the completion of an adoption, the exchange of information  
40 among the parties shall be at the discretion of the parties. **Prospective**  
41 **adoptive parents and parents of a prospective adoptee may enter into**  
42 **a written post adoption contract agreement to allow contact after the**  
43 **adoption between the parents, siblings, or other relatives of the**  
44 **adoptee and the adoptee and the adoptive parents.** Upon completion of an  
45 adoption, further contact among the parties shall be at the discretion of the  
46 adoptive parents, **and such adoptive parents may exercise their discretion**  
47 **to enter into a written post adoption contract agreement with the**  
48 **former parents of an adoptee to allow contact between a former parent,**  
49 **sibling, or other relative of the adoptee and the adoptee or adoptive**  
50 **parents. The agreement shall be in writing, signed by the parties**  
51 **thereto, and be made a part of the court record. The agreement shall**  
52 **include:**

53           (1) **An acknowledgment by the former parents that the adoption**  
54 **is irrevocable, even if the adoptive parents do not abide by the post**  
55 **adoption contract agreement;**

56           (2) **An acknowledgment by the adoptive parents that the**  
57 **agreement grants the former parents the right to seek to enforce the**  
58 **post adoption privileges set forth in the agreement.**

59 **The court shall enforce a written post adoption contract agreement**  
60 **made in accordance with this subsection unless the court determines**  
61 **that enforcement is not in the best interest of the adoptee.** The court  
62 shall not have jurisdiction to deny continuing contact between the adopted person  
63 and the birth parent, or an adoptive parent and a birth parent. Additionally, the  
64 court shall not have jurisdiction to deny an exchange of identifying information  
65 between an adoptive parent and a birth parent.

**453.510. 1. Effective for all adoptions completed after August 28,**  
2 **2013, an adopted person who is at least eighteen years of age, born in**  
3 **this state, and provides proof of identification, or the adopted person's**

4 lineal descendants if the adopted person is deceased, may obtain a copy  
5 of such adopted person's original birth certificate from the state  
6 registrar in the department of health and senior services unless the  
7 birth mother or birth father has objected as provided by subsection 2  
8 of this section.

9       2. Prior to the entry of any decree of adoption, the birth mother  
10 and birth father shall be provided with a form, developed by the state  
11 registrar, by the court to determine whether the birth mother or father  
12 wishes to maintain the confidentiality of the original birth  
13 certificate. The birth mother or birth father may signify an objection  
14 to the disclosure of the original birth certificate of the adopted person  
15 on the form provided by the court. If the birth mother or birth father  
16 objects, the court shall provide this form to the state registrar to be  
17 filed with the original birth certificate.

18       3. (1) If a birth mother or birth father has objected to the  
19 disclosure of the original birth certificate under subsection 2 of this  
20 section, then an adopted person who is at least eighteen years of age,  
21 born in this state, and provided proof of identification, or the adopted  
22 person's lineal descendants if the adopted person is deceased, may  
23 request that the department of social services, the child-placing agency  
24 which processed the adoption, or the court personnel make reasonable  
25 efforts to notify the birth mother and birth father of the request of the  
26 adopted adult or the adopted adult's lineal descendants. If the  
27 department of social services does not have sufficient information or  
28 resources to locate and notify the birth mother and birth father, the  
29 department may refer the adopted person or the adopted person's  
30 lineal descendants to, or work in conjunction with, the child-placing  
31 agency or the court to notify the birth mother and birth father of the  
32 request of the adopted adult or the adopted adult's lineal  
33 descendants. The department of social services, the child-placing  
34 agency, or the court may charge actual costs to the adopted adult or  
35 the adopted adult's lineal descendants for the cost of attempting to  
36 notify the birth mother and birth father. All communications under  
37 this section are confidential. For purposes of this subsection, "notify"  
38 means personal and confidential contact with the birth mother and  
39 birth father of the adopted adult. Initial contact shall be made by an  
40 employee of the department of social services, the child-placing agency

41 which processed the adoption, court personnel, or some other licensed  
42 child-placing agency designated by the department of social services,  
43 the child-placing agency, or the court. Nothing in this section shall be  
44 construed to permit the disclosure of communications privileged under  
45 section 491.060.

46 (2) If the birth mother and birth father consent to the release of  
47 the original birth certificate under this subsection, the department of  
48 social services, the child-placing agency, or the court personnel shall  
49 obtain a copy of a notarized form developed by the state registrar and  
50 provided by the court and signed by the birth mother and birth father,  
51 if known, giving consent to release the original birth certificate and  
52 provide it to the adopted person or the adopted person's lineal  
53 descendants. The adopted person or the adopted person's lineal  
54 descendants may obtain a copy of the adopted person's original birth  
55 certificate in accordance with subsection 5 of this section upon  
56 presenting the notarized consent form to the state registrar.

57 (3) If the birth mother or birth father does not consent to the  
58 release of a copy of the original birth certificate, or cannot be located,  
59 such copy shall not be released. The adopted person, or the adopted  
60 person's lineal descendants if the adopted person is deceased, may  
61 request that the department of social services, the child-placing agency,  
62 or the court personnel contact the birth mother and birth father again  
63 not less than three years after the date of his or her original request  
64 and not less than three years from the date of any future requests.

65 4. Any time a copy of an original birth certificate is obtained  
66 under this section, the state registrar shall issue an uncertified copy of  
67 the unaltered, original birth certificate to the adopted person or the  
68 adopted person's lineal descendants if the adopted person is  
69 deceased. The copy of the birth certificate shall have the following  
70 statement printed on it: "For informational purposes only - not to be  
71 used for establishing identity."

453.515. 1. (1) For all adoptions completed on or prior to August  
2 28, 2013, an adopted person who is at least eighteen years of age, born  
3 in this state, and provides proof of identification, or the adopted  
4 person's lineal descendants if the adopted person is deceased, may  
5 request that the department of social services, the child-placing agency  
6 which processed the adoption, or the court personnel make reasonable

7 efforts to notify the birth mother and birth father of the request of the  
8 adopted adult or the adopted adult's lineal descendants to request their  
9 consent to release a copy of the adopted adult's original birth  
10 certificate. If the department of social services does not have sufficient  
11 information or resources to locate and notify the birth mother and  
12 birth father, the department may refer the adopted person or the  
13 adopted person's lineal descendants to, or work in conjunction with,  
14 the child-placing agency or the court to notify the birth mother and  
15 birth father of the request of the adopted adult or the adopted adult's  
16 lineal descendants. The department of social services, the child-placing  
17 agency, or the court may charge actual costs to the adopted adult or  
18 the adopted adult's lineal descendants for the cost of attempting to  
19 notify the birth mother and birth father. All communications under  
20 this section are confidential. For purposes of this subsection, "notify"  
21 means personal and confidential contact with the birth mother and  
22 birth father of the adopted adult, in which initial contact shall be made  
23 by an employee of the department of social services, the child-placing  
24 agency which processed the adoption, court personnel, or some other  
25 licensed child-placing agency designated by the department of social  
26 services, the child-placing agency, or the court. Nothing in this section  
27 shall be construed to permit the disclosure of communications  
28 privileged under section 491.060.

29 (2) If the birth mother and birth father consent to the release of  
30 the original birth certificate, the department of social services, the  
31 child-placing agency, or the court personnel shall obtain a copy of a  
32 notarized form developed by the state registrar provided by the court  
33 and signed by the birth mother and birth father, if known, giving  
34 consent to release the original birth certificate and provide it to the  
35 adopted person or the adopted person's lineal descendants. The  
36 adopted person or the adopted person's lineal descendants may obtain  
37 a copy of the adopted person's original birth certificate in accordance  
38 with subsection 5 of section 453.510 upon presenting the notarized  
39 consent form to the state registrar.

40 (3) If the birth mother or birth father does not consent to the  
41 release of a copy of the original birth certificate or cannot be located,  
42 such copy shall not be released. The adopted person or the adopted  
43 person's lineal descendants if the adopted person is deceased may

44 request that the department of social services, the child-placing agency,  
45 or the court personnel contact the birth mother and birth father again  
46 not less than three years after the date of his or her original request  
47 and not less than three years from the date of any future requests.

48       2. Any time a copy of an original birth certificate is obtained  
49 under this section, the state registrar shall issue an uncertified copy of  
50 the unaltered, original birth certificate to the adopted person or the  
51 adopted person's lineal descendants if the adopted person is  
52 deceased. The copy of the birth certificate shall have the following  
53 statement printed on it: "For informational purposes only - not to be  
54 used for establishing identity."

✓

Bill

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